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FILED ELECTRONICALLY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

RE: Ex Parte Notice, GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

On behalf of Internet2, and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), the undersigned counsel hereby submits the instant notice of *ex parte* presentation.

In addition to the recommendations set forth in the January 27, 2010 Reply Comments of the U.S. R&E Networks and HIMSS in this proceeding, the Commission should also take all steps necessary to ensure the following: that entities that grant IRUs or leases in dark fiber or capacity to R&E networks should be barred from restricting any lawful use of such dark fiber or capacity by R&E networks, and that any clauses in such existing agreements that currently restrict one or more lawful uses be rendered null and void. These restrictions on lawful uses undermine the benefits from, and the efficiencies of, having one network, used by all community anchors who wish to be a part of it. For example, a clause in an IRU for dark fiber that prevents an R&E network from using it to serve hospitals and public safety (i.e., the exclusive permitted use under the IRU is for schools) serves no valid purpose and undermines the goals of the Commission, and the needs of the public.

In addition, on March 5, 2010, undersigned counsel had a telephone conversation with Blair Levin of the Office of Strategic Planning. We spoke about matters consistent with the U.S. R&E Networks and HIMSS' reply comments in this proceeding, which discussed the concept of a UCAN (i.e., a Unified Community Anchor Network). We also spoke about the chart submitted by Internet2 on March 3, 2010 in this proceeding, which estimates the number of community

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anchors in the United States, and our willingness to take further steps to estimate the full cost of completing a UCAN in the United States.

Respectfully submitted,


Alan G. Fishel